HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

10-11-05

AF/2167

PATENT APPLICATION

ATTORNEY DOCKET NO. 10015906-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Kenneth Deh-Lee

Confirmation No.: 4692

Application No.: 10/056,592

Examiner: L. S. Wassum

Filing Date: 01/23/2002

Group Art Unit: 2167

Title: DYNAMIC KNOWLEDGE EXPERT RETRIEVAL SYSTEM

Mail Stop Appeal Brief-Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Sir:

Transmitted herewith in ***triplicate*** is the Reply Brief with respect to the Examiner's Answer mailed on **August 8, 2005**. This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new grounds of rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

(X) I hereby certify that this correspondence is being deposited with the United State Postal Service as Express Mail, Label No. EV482709174US in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, Alexandria, VA 22313-1450
Date of Deposit: October 7, 2005
OR

( ) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number
on _____
Number of pages:
Typed Name: Elise Perkins
Signature: Elise Perkins

Respectfully submitted,
Kenneth Deh-Lee
By _____
Michael A. Papalas
Attorney/Agent for Applicant(s)
Reg. No. **40,381**
Date: **October 7, 2005**
Telephone No.: **(214) 855-8186**

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Docket No.: 10015906-1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kenneth Deh-Lee

Application No.: 10/056,592 | Confirmation No.: 4692

Filed: January 23, 2002 | Art Unit: 2167

For: DYNAMIC KNOWLEDGE EXPERT RETRIEVAL SYSTEM | Examiner: L. S. Wassum

APPELLANT'S RESPONSE TO EXAMINER'S ANSWER (37 CFR 1.1939(b))

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: BOARD OF PATENT APPEALS AND INTERFERENCES

This Reply is in response to the Examiner's Answer mailed August 8, 2005. (hereinafter the "Answer"). Appellant respectfully requests withdrawal of the final rejection, reopening of prosecution, and allowance of the above-captioned application. Should the Examiner not find the comments contained herein persuasive, acknowledgement of receipt and entry of this Reply Brief is requested.

Summary of Reply Arguments Presented Below

(A) Claims 1, 5, 7, 8, 15, and 16 stand improperly rejected under 35 U.S.C. § 103(a) over *Walker* in view of *Chao*.

(B) Claims 4, 6, and 9 stand improperly rejected under 35 U.S.C. § 103(a) over *Walker* in view of *Chao*.

(C) Claims 17, 20, and 21 stand improperly rejected under 35 U.S.C. § 103(a) over *Walker* in view of *Chao* and further in view of *Henderson*.

(D) Claim 2 stands improperly rejected under 35 U.S.C. § 103(a) over *Walker* in view of *Chao*, and further in view of *Henderson*; claim 10 stands improperly rejected under 35 U.S.C. § 103(a) over *Walker* in view of *Chao*, in view of *Henderson* and further in view of *keen.com*; claims 11-14 stand improperly rejected under 35 U.S.C. § 103(a) over *Walker* in view of *Chao*, in view of *Henderson* and further in view of *Lauffer*; claims 18, 19, 22 and 23 stand improperly rejected under 35 U.S.C. § 103(a) over *Walker* in view of *Chao*, in view of *Henderson* and further in view of *Hice*; and claim 24 stands improperly rejected under 35 U.S.C. § 103(a) over *Walker* in view of *Chao* in view of *Henderson* in view of *Hice* and further in view of *Grube*.

Reply Arguments

A. The Rejection of claims 1, 5, 7, 8, 15, and 16 under 35 U.S.C. § 103(a) over *Walker* in view of *Chao*

Claim 1 requires, in part:

"maintaining ... the expert's real-time availability."

Appellee notes that *Walker*'s database can keep "availability standards" (Walker, col. 14, lines 27-28) and contends that "real-time availability" is a subset of "overall availability." However, Appellant asserts that Appellee's rationale is flawed for at least three reasons. First, *Walker*'s "availability standards" is not the same limitation as the "overall availability" limitation put forth by the Examiner. Second, the "real-time availability" of claim 1 is not a subset of "overall availability." Indeed, these are very different limitations. Merely keeping the expert's "overall availability" is not the same, or even similar to maintaining an expert's availability in real time. *See e.g.*, Present Application, paragraph [0028]. Third, even if "real-time availability" were a subset of "overall availability," the fact that a species or subgenus is encompassed by a prior art genus is not sufficient by itself to establish a prima facie case of obviousness. *In re Baird*, 16 F.3d 380, 382, 29 USPQ2d 1550, 1552 (Fed. Cir. 1994).

Appellee further contends that *Walker*'s disclosure of a real-time communications between an expert and a user based upon the expert's willingness to allow such communications meets the above-cited limitation. *Walker*, col. 26, lines 45-57. However, an expert's willingness to establish real-time communications is a different and completely independent limitation from maintaining the expert's real-time availability. For instance, an expert may indicate a willingness to allow a real-time communication and yet not be available at the time of the user's request. Alternatively, an expert may be available at the time of the request and yet not be willing to establish real-time communications with the user.

Appellee also states that "... the Walker et al. reference discloses a variety of embodiments, including wherein the user is presented with a list of experts from which to choose, and also wherein the expert and the user are put in direct communication with each

other by the Exchange." However, presenting a user with a list of experts from which to choose and putting the user in direct communication with an expert is not the same limitation as "maintaining ... the expert's real-time availability," as required by claim 1.

In addition, Appellee contends that "[I]n order for the controller to search the expert database to find an expert database to find an expert that meets criteria 117, criteria that includes the time frame required for response, the expert database would have to include information about an expert's schedule and availability, information that would qualify as the claimed 'expert's real-time availability." However, as noted above, this reasoning is flawed because merely keeping the expert's "overall availability" is not the same, or even similar to maintaining an expert's availability in real time, as required by claim 1.

Finally, Appellee states that "... Walker et al. discloses additional embodiments of the invention besides that wherein a request is broadcast to experts and the user must wait until experts wishing to fulfill the request submit bits to the user." However, Appellant respectfully asserts that Appellee's statement is not relevant to the extent that none of *Walker*'s embodiments disclose "maintaining ... the expert's real-time availability," as required by claim 1.

Accordingly, Appellant respectfully asserts that the combination of *Walker* and *Chao* does not teach or suggest every element of claim 1 for the reasons set forth above and in the Appeal Brief. Claims 5, 7, 8, 15, and 16 depend from claim 1 and are therefore allowable for at least the same reasons.

B. The rejection of claims 4, 6, and 9 under 35 U.S.C. § 103(a) over *Walker* in view of *Chao*

Claim 4 requires, in part:

"the database automatically updates the expert's availability."

Appellee admits that, under *Walker*, the availability of an expert is updated only when the expert logs in. Appellant asserts that, because *Walker*'s availability status only changes when the expert decides to log in, *Walker*'s database is not automatically updated ("[W]hen an

expert is available to answer a question, he logs-in to the Exchange and provides his expert ID." *Walker*, col. 8, lines 29-31). For example, *Walker*'s database is not automatically updated when the expert does not log in. Therefore, *Walker* does not teach or suggest a database that automatically updates the expert's availability, as required by claim 4. Accordingly, Appellant respectfully asserts that the combination of *Walker* and *Chao* does not teach or suggest every element of claim 4 for the reasons set forth above and in the Appeal Brief.

Claim 6 requires, in part:

"the attribute is the expert's available time until a next assignment."

Appellee contends that "the time frame required for an answer" disclosed by *Walker* meets "the expert's available time until a next assignment" of claim 6. However, these are very different limitations. The time frame required for an answer is determined by a client's request, whereas the expert's available time until a next assignment is not. Accordingly, Appellant respectfully asserts that the combination of *Walker* and *Chao* does not teach or suggest every element of claim 6 for the reasons set forth above and in the Appeal Brief.

Claim 9 requires, in part:

"the attribute is the expert's travel speed."

Appellee does not put forth any part of *Walker* that teaches or suggests maintaining an expert's travel speed. Instead, Appellee merely notes that Walker teaches maintaining an expert's "availability standard," including the expert's location and response times. *Walker*, col. 14, line 66 through col. 15, line 9. However, Appellee fails to explain how an expert's travel speed can be derived from the expert's location and response times. Appellant maintains that that *Walker* does not teach or suggest maintaining an expert's travel speed. Accordingly, Appellant respectfully asserts that the combination of *Walker* and *Chao* does not teach or suggest every element of claim 9 for the reasons set forth above and in the Appeal Brief.

C. The rejection of claims 17, 20, and 21 under 35 U.S.C. § 103(a) over *Walker* in view of *Chao* and further in view of *Henderson*

Appellee contends that because *Walker* allows a user to receive a list of experts whose qualifications match the user's requirements, the incorporation of a ranking feature as disclosed by *Henderson* would be proper. Specifically, Appellee relies upon the following passage of *Walker* as supporting the proposed combination of references:

> There are several variations of the present invention that allow for different levels of service, security and communication confidentiality and privacy. One such example is the ability for the user to select from a particular list of experts prior to submitting his request. In this way, the user can select and review the qualifications of the experts and choose the expert or experts that he feels most comfortable with. *Walker*, col. 8, lines 47-54.

Appellant is aware that *Walker* discloses allowing the user to select an expert from a list prior to submitting a request. Nonetheless, Appellant still maintains that there is no reason to rank *Walker*'s list of experts since the final group of responding experts, or those even having acceptable responses, is unknown before the user's request is submitted. As noted in Appellant's Appeal Brief, to rank the list of potential candidates without knowing which experts will respond with acceptable bids, if at all, would be unproductive. Accordingly, Appellant respectfully asserts that the combination of *Walker*, *Chao*, and *Henderson* is improper as there is no motivation to combine the references, and that claims 17, 20, and 21 are allowable for at least the reasons set forth above and in the Appeal Brief.

D. The rejection of claim 2 under 35 U.S.C. § 103(a) over *Walker* in view of *Chao*, and further in view of *Henderson*; claim 10 under 35 U.S.C. § 103(a) over *Walker* in view of *Chao*, in view of *Henderson* and further in view of *keen.com*; claims 11-14 under 35 U.S.C. § 103(a) over *Walker* in view of *Chao*, in view of *Henderson* and further in view of *Lauffer*; claims 18, 19, 22 and 23 under 35 U.S.C. § 103(a) over *Walker* in view of *Chao*, in view of *Henderson* and further in view of *Hice*; and claim 24 under 35 U.S.C. § 103(a)

over *Walker* in view of *Chao* in view of *Henderson* in view of *Hice* and further in view of *Grube*

Appellee simply reiterates the grounds for rejection addressed above with respect to sections A, B, and/or C. Accordingly, Appellant reasserts that claims 2, 10-14, 18, 19, and 22-24 are allowable in view of the arguments advanced above and in the Appeal Brief.

Conclusion

As for any of the claims not specifically discussed above, Appellant hereby reasserts the arguments presented in Appellant's Appeal Brief.

For the reasons advanced in Appellant's Appeal Brief and in this Reply, Appellant respectfully submits that claims 1, 2, and 4-24 are of patentable merit. Therefore, reversal of the outstanding rejections is courteously solicited.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV482709174US in an envelope addressed to: Appel Brief - Patents, Commissioner for Patents, Alexandria, VA 22313.

Date of Deposit: October 7, 2005

Typed Name: Elise Perkins

Signature: Elise Perkins

Respectfully submitted,

By: _____

Michael A. Papalas
Attorney/Agent for Appellant(s)
Reg. No. 40,381
Date: October 7, 2005
Telephone No. (214) 855-8186

APPENDIX A

Claims Involved in the Appeal of Application Serial No. 10/056,592

1. A method of identifying relevant experts using a search request from a user, comprising:

maintaining an updateable and searchable database of expert profiles, wherein the profiles include attributes of a particular expert, and wherein one of the attributes is the expert's real-time availability;

receiving a search request from the user; and

applying a weight designated by the user to the attributes of a desired expert.

2. The method of claim 1 further comprising:

searching the database using the search request; and

displaying a list of ranked experts, wherein each expert's position in the ranked list is determined by a ranking algorithm wherein said ranking algorithm uses the weights of each attribute and is based on both static attributes and dynamic attributes.

4. The method of claim 1 wherein the database automatically updates the expert's availability.

5. The method of claim 1 wherein the attribute is the expert's area of knowledge.

6. The method of claim 1 wherein the attribute is the expert's available time until a next assignment.

7. The method of claim 1 wherein the attribute is the expert's proximity to the user.

8. The method of claim 1 wherein the attribute is the expert's available contact method.

9. The method of claim 1 wherein the attribute is the expert's travel speed.

10. The method of claim 2 wherein the user is automatically connected to a selected expert by interfacing with the expert's name as it appears on the displayed list.

11. The method of claim 2 wherein a menu appears with available contact mediums when an expert is selected.

12. The method of claim 11 wherein the contact medium is email and when selected a dialog box appears for the user to prepare and send an email to the expert.

13. The method of claim 11 wherein the contact medium is telephone and when selected the expert's telephone number is displayed.

14. The method of claim 1 further comprising:

selecting a messaging communication mode by which the user contacts a selected expert.

15. The method of claim 1 wherein the profile is able to be created by the expert.

16. The method of claim 1 wherein the profile is able to be updated by the expert.

17. A system for searching for experts, comprising:

a searchable and updateable database of expert information, wherein said database comprises a plurality of expert profiles, each of said profiles including data relating to one or more static and dynamic attributes of a particular expert;

a user interface for allowing users to identify desired characteristics of a desired expert, wherein the user interface also allows users to assign weights to one or more of the desired characteristics;

a processor for:

searching said database using said desired characteristics, and

generating a list of ranked experts; and

a display for displaying said ranked list, wherein each expert's position in the list is determined by a ranking algorithm based on said static attributes and said dynamic attributes.

18. The system of claim 17 further comprising:

a work order system for processing and storing data related to an expert's work assignments wherein said work order system communicates said work assignment data with said searchable and updateable database.

19. The system of claim 18 wherein said work assignment data comprises one or more of:

data related to an estimated time of arrival of an expert; and

data related to an estimated completion time for an expert to complete a work assignment.

20. The system of claim 17 wherein said ranking algorithm further ranks said list of experts according to:

a correlation between each expert's expert profile and the user's desired expert characteristics; and

said-weights that the user has assigned to certain characteristics.

21. The system of claim 17 wherein a user interfaces with the database via a remote wireless or wireline Internet connection.

22. The system of claim 18 further comprising:

a location tracking information system for generating data related to the expert's location wherein said work order system communicates said location data with said searchable and updateable database.

23. The system of claim 22 wherein said location data comprises one or more of:

data that defines a user's location in relation to an expert's location; and

data that defines an expert's fixed location.

24. The system of claim 23 wherein said location tracking information system is a Global Positioning System (GPS).